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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.:	79009205
Application Filing Date:	June 3, 2004
Mark:	<b>Power Magnum</b>
Owner/Applicant:	KTS, Co., LTD.
Responds to Action Dated:	June 9, 2006
Attorney's Reference:	POWE6007/TJM/GAL

TTAB

**NOTICE OF APPEAL**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

12/08/2006 SWILSON1 00000060 79009205

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Madam:

1. The Office Action comprises a FINAL refusal of registration, which Applicant hereby appeals from. All requirements made by the examiner and not the subject of appeal have been complied with, as required by 37 C.F.R. §2.142(c).
2. Applicant requests **SUSPENSION OF THE APPEAL AND REMAND** of the application to the Examining Attorney for consideration of the Declaration filed herewith.
3. A check in the amount of **\$100.00** is submitted herewith to cover the \$100.00 per class U.S. government fee. The Commissioner is hereby authorized to charge to deposit account no. 02-0200, any fees that are authorized by the undersigned, and any fees that are required to prevent abandonment of the application.

BACON & THOMAS, PLLC  
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Date: December 5, 2006

Respectfully submitted,

  
Thomas J. Moore  
Owner's Attorney

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12-05-2006

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DECLARATION

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Madam:

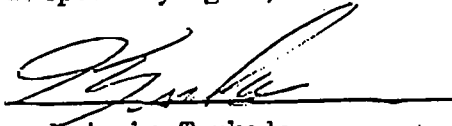
The undersigned, being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and may jeopardize the validity of the application or any registration resulting therefrom, declares that:

1. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.
2. I am informed that the Office Action dated June 9, 2006, continues the allegation that there is a likelihood of confusion with the trademark MAGNUM for "electrically powered tools-namely, drills and screwdrivers" of U.S. Registration No. 1,175,844 (the "registered mark").
3. Applicant is unaware of any confusion of the present trademark with the registered mark. Applicant is unaware of any confusion of the registered mark with the present trademark.

Respectfully signed,

Date: November 29, 2006

Name and Title:

  
Keisuke Tsukada  
President